THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.8867 OF 1995

DATE: 12th September 2006

Between:
Nasir Ahmed, son of Mahamood Ahmed,
Aged 45 years, Occ: business,
Resident of 1-5-152/4, block No.210,
Soumya Apartments, Red Hills,
Hyderabad.

…. Petitioner.

And

1. The Authority under Payment of
   Wages Act & Asst. Commissioner
   Of Labour, Mahabubnagar and another.

…. Respondents.

* * *

ORDER:

This writ petition is directed against the order-dated 15.11.1994 made in P.W.No.4 of 1994 on the file of the Authority under Payment of Wages Act and Assistant Commissioner of Labour, Mahabubnagar.

2. It appears that respondent No.2 filed a claim petition against two persons stating that they were the proprietors of a Beedi factory and they did not pay full wages as required under law, thus, claimed Rs.53,020/- from 1983 to March 1993 and also for an amount of Rs.8,560/- towards the amount deducted from his salary from April 1993 to February 1994. However, during

pendency of the case, respondent No.2 therein compromised the matter with the claimant, and therefore, the claim was considered only against the first respondent, the petitioner herein.

3. Even against the petitioner herein the claim prior to May 1993 was dismissed as time barred. However, the wages from May 1993 till the date of his last working i.e., 28.02.1994 (10 months) the authority considered that there was a deduction of Rs.7,100/-, and therefore, the petitioner herein is liable to pay the same with penalty of ten times on the deducted amount i.e., Rs.7,100/-, thus passed an order directing the petitioner herein to deposit Rs.78,100/-. Aggrieved by the same, the present petition is filed.

4. As seen from the above, in so far as respondent No.2 in the claim petition, the claim was given up in view of settlement in between the parties. In so far as petitioner-second respondent in the petition, the claim before May 1993 was dismissed as time barred. Now, the only thing required to be considered is whether the authority was right in imposing ten times penalty against the deducted amount of Rs.7,100/- making it to Rs.78,100/-.

5. There is no necessity of going into all the details. In a case of this nature, may be the petitioner is liable to pay Rs.7,100/-, but since the 2nd respondent has laid the claim belatedly, I am of the opinion, that imposing penalty of two times the deducted amount i.e., Rs.14,200/- apart from the original amount deducted i.e., Rs.7,100/- would be reasonable in the facts and circumstances of

the case.

6. Therefore, the order passed by the authority impugned herein is modified to the extent holding that the petitioner is liable to pay Rs.7,100/- towards deductions made from May 1993 till 28th February 1994 and two times penalty over and above the said amount. Thus, in all the respondent No.2 is entitled to an amount of Rs.21,300/-.

7. With the above modification the order passed by the authority is confirmed. The amount, if any, already paid shall be given credit to.

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C.V.RAMULU, J.

Date: 12th September 2006.
BSB